

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO, 102

CASE NO, 73-26

December 23, 1974

Pursuant to notice, a public hearing was held September 25 and October 10, 1974, to consider an application by Waverly Taylor for an amendment to the zoning map, as follows:

Change from R-1-B to R-5-A,  
lot 825 and parts of 818 and  
819 in square 1368, located  
at 4614 MacArthur Blvd., N.W.

### FINDINGS OF FACT

1. The area of the site is approximately 67,500 square feet (Baist Atlas Volume No. 3, Page 23).

2. The proposed amendment to the zoning map would change the zoning of the subject site from R-1-B (one-family detached dwelling, minimum lot width of 50 feet, minimum lot area of 5,000 square feet, 40% lot occupancy, 3 stories and 40 feet in height) to R-5-A (low density apartment house, 40% lot occupancy, 0.9 FAR, 3 stories and 40 feet in height). Construction of townhouses or apartments in this zone requires approval of the Board of Zoning Adjustment pursuant to Section 3105.42 of the Zoning Regulations.

3. The applicant has stated that he seeks permission to erect 27 townhouses, that will not exceed 40 feet in height as controlled by the R-5-A zone district but will require a variance from the 3 story-limitation to provide a 4th story, with a total of 26 driveways, each one having a curb cut and each one entering directly upon MacArthur

Boulevard, on the subject property as set forth in the plans submitted with said application for zone change and that the requested change in zoning is necessary for such development.

4. The surrounding area is zoned R-1-B with the exception of a strip of R-5-A southeast along MacArthur Boulevard and a small area of C-1 diagonally across MacArthur Boulevard to the southeast about 120 yards.

5. The property in question is a strip of land running approximately 670 feet along MacArthur Boulevard varying in depth from 83 feet to 126 feet. The area of the property is approximately 1.55 acres. Charleston Terrace, a street of the original subdivision, runs parallel to the property approximately 80 to 168 feet behind it for about two-thirds of its length. There is a 10 foot easement shown giving paper access to the property from Charleston Terrace down to MacArthur Boulevard. The property slopes steeply from Charleston Terrace down to MacArthur Boulevard with slopes ranging from 15 to 23 percent. The overall drop is approximately 50 feet in depth of approximately 200 feet of roughly 25 percent, (TR. 7) .

6. The area adjacent to the site is vacant and consists of the Reservoir and Federal property, removing the chance of adjoining development. A strip of land to the east between the site and Charleston Terrace is currently undeveloped.

7. To the north of the subject site are single-family detached houses along 47th Place between MacArthur Boulevard and Reservoir Road, now separated by wooded, undeveloped land. Several houses to the west of Charleston Terrace are on extremely high terraces overlooking the site and the Potomac River beyond and are thus isolated from the subject site.

8. The subject site is irregular in shape and difficult in topography with the change in grade approximately 25%. The subject site has approximately 700 feet of frontage on MacArthur Boulevard.

9. MacArthur Boulevard is a major thoroughfare and carries in excess of 13,400 vehicles per day (TR. 113). This thoroughfare provides excellent highway access to the downtown area and to the Maryland and Virginia suburbs. The site is served by the Metro Bus.

10. Since the comprehensive rezoning of 1958, MacArthur Boulevard has undergone zoning and construction changes. These have involved the extension of the R-5-A district to permit apartment construction in the blocks near Foxhall Road, also extension of the R-5-A district, and Article 75 approval to permit the new hospital for mental patients to be erected adjacent to the Hannah Harrison School, the Board of Zoning Adjustment approval and enlargement of the Georgetown Day School, the zoning for the Sibley Hospital, and the text amendment in Zoning Case 70-19 which requires Board of Zoning Adjustment approval for buildings erected in the R-5-A district.

11. Pursuant to Section 3105.42 of the Zoning Regulations, if the applicant desires to construct residential units, other than single-family detached and semi-detached dwellings, such application is reviewed by the Board of Zoning Adjustment, which is required to refer said application to the Board of Education, Department of Highways and Traffic, Assistant to the Mayor for Housing Programs and the National Capital Planning Commission for their review and recommendations.

12. There has been no recent construction of detached single-family dwellings on MacArthur Boulevard between the subject site and Foxhall Road. The applicant stated that the proposed townhouses will contain elevators, provision for the parking of two automobiles, and will have a sales price in excess of \$90,000.

13. The applicant stated that the townhouse project will produce the density of 17.5 units per acre. The General Land Use Objectives: 1970/1985, adopted by the National Capital Planning Commission in December of 1968, indicates a density not to exceed 30 units per acre. The proposed townhouse development will serve as a transitional use between the single-family detached residential development to the north and northwest of the site, and the walk-up

apartment and commercial area to the south and southwest of the subject property. Further, the Board of Zoning Adjustment can require appropriate screening for those townhouses located near or adjacent to R-1-B development. There is presently a city-wide shortage at all economic levels for housing in the City. This rezoning application will encourage the development of additional housing and will remove a long-term undeveloped property with minimum tax returns to produce real estate and income tax revenues for the City.

14. The site is well served by community facilities of all types, including library, fire, police, schools, hospital, shopping, and close proximity to the downtown area,

15. Both the Zoning Advisory Council and the Staff Report from the Zoning Division of the Office of Planning and Management recommended denial of the subject application on the basis that they felt that the R-5-A zoning should embrace all of the area between Dumbarton Terrace and MacArthur Boulevard, and that a site plan be developed which would have a lesser impact upon MacArthur Boulevard in terms of retaining trees and curb cut access.

16. There was neighborhood opposition from the single-family house owners to the north, residing along 47th Place and in the 4700 block of MacArthur Boulevard. Their objections included the following: development of the property would require cutting of trees, which would have an adverse impact upon this portion of MacArthur Boulevard; the location of 27 curb cuts would interfere with traffic on MacArthur Boulevard and would be unsafe; there is no need for transitional zoning for the subject site: the new townhouses would bring more people into the area and some of the residents may take parking spaces presently enjoyed by the residents in the area; and finally, there was the contention that the townhouses would have an adverse visual impact upon the street,

17. The property owner's witness presented evidence that fully answered these objections:

Any property owner may cut trees to develop his property. This can best be controlled in an R-5-A zone

where site plan review by Board of Zoning Adjustment (BZA) is required,

The Traffic Engineer for the property owner testified that the erection of the townhouses could be safely served by the driveways, as there was a traffic light along this stretch of the road; no curb cuts on the reservoir side; that while traffic moves rapidly along this area now, with the additional townhouses, motorists will become aware that there is a need to reduce speed in this area and proper posting of signs will further assure lower speeds for moving cars. There has been no evidence to show that the existing driveways along the entire length of MacArthur Boulevard, where people back into the road, has produced dangerous conditions. With the light cycles along MacArthur Boulevard, the traffic moves in platoon-fashion which provide ample space for cars to back safely into MacArthur Boulevard. This is the same condition that some of the residents in opposition experience each day,

The opposition objects to the close proximity of expensive townhouses but would require the property owner to develop single-family houses within clear view of walk-up apartments and local retail commercial. This will not have adverse effect upon real estate values as substantiated by the real estate witness of the property owner.

#### CONCLUSIONS OF LAW

1. Since the adoption of comprehensive city-wide zoning in 1958, there have been substantial changes along MacArthur Boulevard that makes appropriate the rezoning for the subject site,

2. Under the R-5-A zoning, townhouse development will require site plan review by Board of Zoning Adjustment which will assure compatibility of the proposed development with the surrounding area. The official planning agencies recognize that some transitional type of development and zoning is appropriate for the subject site. MacArthur Boulevard is a major arterial highway, along which there is a side-range of mixed uses, including single-family detached, single-family semi-detached homes, single-family

row houses, apartments, hospitals, libraries, fire houses, and commercial centers, The mixture of uses appears to have produced, on the whole, a stable and desirable mixture. The change of zoning will promote the early, orderly development of the subject property and will be in the interest of the City and the neighborhood,

3. All of the testimony offered by the applicant on what he proposes to construct on the subject property, if the proposed zone change is granted, is irrelevant in this Commission's consideration of said proposed change of zoning.

4. There is a rational and logical basis for the requested rezoning. Further, such rezoning is in keeping with the development of a comprehensive plan for the District of Columbia.

5. The rezoning will not produce dangerous or otherwise objectionable traffic conditions,

6. The granting of the change of zoning requested is in accord with Section 3101.1 of the Zoning Regulations.

7. The proposed amendment would not adversely effect the character and uses of adjacent or neighboring districts.


8. The proposed amendment is in harmony with the intent, purpose, and integrity of the comprehensive zoning plan as embodied in the zoning regulations and map.

#### DECISION

In consideration of its findings and conclusions herein, the Commission orders ADOPTION of the following amendment to the Zoning Map:

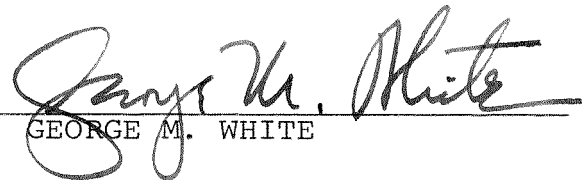
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WALTER E. WASHINGTON

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JOHN A. NEVIUS



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STERLING TUCKER

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GEORGE M. WHITE



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RICHARD L. STANTON

ATTEST:



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Martin Klauber  
Executive Secretary